

PUBLIC NOTICE NO. MT-08-06
April 22, 2008

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a General Permit as described in this notice and to hold public hearings on the issuance of this permit. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, fact sheet and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

PERMIT/CATEGORY: General Permit for Concentrated Animal Feeding Operations

GEOGRAPHIC REGION: Statewide

FACILITIES: Various Concentrated Animal Feeding Operations

RECEIVING WATERS: State waters as defined in 75-5-103(29)

PERMIT NUMBER: MTG010000

This MPDES General Permit authorizes certain discharges of manure, litter, process wastewater, and other wastes from Concentrated Animal Feeding Operations (as defined at 40 CFR 122.23 or designated as described at 40 CFR 122.23), to state waters. Wastes discharged from Concentrated Animal Feeding Operations may contain pollutants capable of causing impairments of state waters. The terms and conditions of this permit require permittees to implement practices to monitor, limit, prevent and/or eliminate discharges from their livestock operations.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary TMDLs under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment (WQLS), the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit *Friends of the Wild Swan v. U.S. EPA, et al.*, CV 97-35-M-DWM, District of Montana, Missoula Division. The Department believes that the issuance of new authorizations under the CAFO GP does not conflict with this order because the

CAFO GP is not a new permit and does not allow an increase in pollutant loads.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS June 5, 2008. Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS June 5, 2008 will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Dianne Beaman at WPBPublicNotices@mt.gov.

Three public hearings will be held on the draft wastewater discharge permit, the statement of basis, environmental assessment, and the Department's tentative determination at:

Billings Montana: Wednesday, May 28, 2008, 6:30 p.m., Lewis & Clark Room, Student Union Building, MSU-Billings, 1500 University Drive;

Great Falls Montana: Thursday, May 22, 2008, 6:30 p.m., Fish, Wildlife and Parks Building, 4600 Giant Springs Road; and

Helena, Montana: Tuesday, May 27, 2008, 1:30 p.m., Metcalf Building, Room 111, 1520 East Sixth Avenue.

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

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